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THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: MIELKE ET AL.
SERIAL No. 10/049,503
FILED: FEBRUARY 13, 2002
FOR: COLORANT PREPARATIONS

CONFIRMATION No.: 7627
GROUP ART UNIT: 1714
EXAMINER:
KRIELLION A. SANDERS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

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Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111

Sir:

In reply to the Office action of August 26, 2003, it is respectfully requested that the following remarks be entered and considered for further prosecution of the above-identified application:

R E M A R K S

Claims 1 to 11 as attached to the preliminary amendment submitted upon filing of the application are pending in this case.

Claims 1 to 11 relate to ink-jet inks which comprise as essential constituents

- A) at least one dispersed (A1) or dissolved (A2) colorant,
- B) a dispersant in the case of a colorant (A1),
- C) a low molecular weight polytetrahydrofuran (C1), if desired in mixture with one or more high-boiling water-soluble or -miscible organic solvents (C2), and
- D) water.

The Examiner will note that, according to the broadest definition which is provided by Claim 1, the presence of a low molecular weight polytetrahydrofuran (C1) is mandatory for applicants' ink-jet inks.

The Examiner has rejected Claims 1 to 11 under Section 102(e) as being anticipated by the disclosure of *Herrmann et al.* (US 6,332,943). The respective reference corresponds to *WO 99/01516* which is addressed on page 1, indicated lines 44 and 45, of the application as follows:

WO-A-99/01516 discloses pigmented ink-jet inks which differ from the present colorant preparations because of component (C).

As stated in the application, the pigment preparations addressed by the disclosure of *Herrmann et al.* do not comprise a low molecular weight polytetrahydrofuran (C1), alone or in combination with one or more high-boiling water-soluble or -miscible organic solvents (C2).

To constitute anticipation, all material elements of the invention as claimed must be found in one prior art source¹⁾. Since the teaching of *Herrmann et al.* fails to disclose compositions comprising a low molecular weight polytetrahydrofuran (C1), the respective reference does not provide a disclosure which anticipates the subject matter of applicants' claims. Favorable reconsideration of the Examiner's position and withdrawal of the rejection under Section 102(e) is, therefore, respectfully solicited.

In light of the foregoing, the application should now be in condition for allowance. Early action is appreciated.

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1) ie. *In re Marshall* 577 F.2d 301, 198 USPQ 344 (CCPA 1978); *In re Kalm* 378 F.2d 959, 154 USPQ 10 (CCPA 1967)

Serial No. 10/049,503

MIELKE et al.

PF 0000050574

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Respectfully submitted,

KEIL & WEINKAUF



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